



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday, January 21, 2015
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Kimberly Wheeler-Johnsen
Alicia DiBenedetto-Neubauer
Dan Roszkowski
Craig Sockwell

Absent: Melissa Luciani-Beckford
Thomas Fabiano

Staff: Todd Cagnoni – Director, Community & Economic Development
Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Jamie Rott – Public Works
Lafakeria Vaughn – Assistant City Attorney

Others: Alderman Joseph Chiarelli
Alderman Thomas McNamara
Cindi Schwitters - Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, January 26, 2015 at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:48 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the December, 2014 meeting as written. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0 with Melissa Beckford and Tom Fabiano absent.

Last month, staff recommended at the request of the Code & Regulation Committee and the Liquor Tobacco Advisory Board Agreed to lay over all items related to liquor by the drink with the exception of change in ownership for existing restaurants. These items are still scheduled for the January Liquor and Tobacco Advisory Board but they would, once again, be laid over until the February meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the following items to the February 18, 2015 Liquor and Tobacco Advisory Board meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Beginning of Laid Over items:

014-LTAB-012

Applicant
Ward 04

6551 East Riverside Boulevard

Bar Scorchy, Inc. d/b/a Bar Scorchy

Sale of liquor by the drink with a tavern/bar in a C-2, Limited Commercial Zoning District

Laid Over from June, July, August, September, October & November

014-LTAB-017

Applicant
Ward 10

5410 and 5456 East State Street

Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.

Sale of liquor by the drink in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

Laid Over from June, July, August, September, October & November

014-LTAB-035

Applicant
Ward 10

262 North Phelps Avenue

Mary Maggio d/b/a Sam's Slots Inc.

Sale of beer and wine by the drink in conjunction with a video gaming facility in a C-3, General Commercial Zoning District.

Laid Over from September, October & November

014-LTAB-036

Applicant
Ward 10

280 North Phelps Avenue

Brandan T. Blackler d/b/a Maxswells Eatery & Slots

Sale of beer and wine by the drink in conjunction with an eatery and a video gaming facility in a C-3, General Commercial Zoning District

Laid Over from September, October, & November

014-LTAB-037

Applicant
Ward 07

2515 Kilburn Avenue

Ampelio Delgado Martinez for El Carrizal Inc. d/b/a Fuzzy's

Sale of liquor by the drink in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in a C-2, Limited Commercial Zoning District

Laid Over from September, October & November

014-LTAB-038

Applicant
Ward 10

3806 East State Street, 3800 East State Street

Dan A. Olson for Olson Enterprises LLC d/b/a Olson Gaming

Sale of beer and wine by the drink in conjunction with a video gaming facility and bar in a C-2, Limited Commercial Zoning District

Laid Over from September, October & November

014-LTAB-039

Applicant
Ward 01

7551 Walton St, 172 S. Bell School Rd, 7521, 7531 & 7541 Walton St.

John Hassett for Premier Entertainment of Illinois LLC d/b/a Pinky's

Sale of liquor by the drink in conjunction with a video gaming facility and bar in a C-3, General Commercial Zoning District

Laid Over from September, October & November

End of Laid Over Items**014-LTAB-052**

Applicant
Ward 03

1710 Rural Street, Suite 3

Lydia's of Rockford, LLC d/b/a Lydia's Café

Sale of beer and wine by the drink in conjunction with a restaurant in a C-2, Limited Office Zoning District

The subject property is located within the Rural Oak Plaza located 180 feet east of the Prospect Street, Guilford Road, and Rural Street intersection. Attorney Roxanne Sosnowski, and Michael Hallstrom, owner and Applicant were present. Attorney Sosnowski presented the applicant's request for the sale of beer and wine only by the drink. Lydia's Café has been operating at this site for 16 years. They anticipate less than 20% alcohol sales. Attorney Sosnowski explained the restaurant is 1,975 square feet with 21 tables for 64 customers. She expressed that the Applicant has a concern with conditions 3, 4, & 5 that state they must close at 1:30 PM. They wish to go with their business plan of a 2:00 PM closing to allow customers to finish their lunch. Mr. Sanders discussed there was a lot of planning for parking when Rural on Tap came forward with their application, as they are in the same plaza and there was a concern of overlap with the restaurant being open at the same time.

Staff Recommendation is for Approval subject to 15 conditions. Objectors or Interested Parties were present.

Tom McNamara, Alderman of the Ward, spoke in favor of this Application. He stated Lydia's Café is truly the heart and soul of this neighborhood and he strongly urged the Board to support their request. He does support the extended hours to 2:00 PM as requested by the Applicant. He stated the parking lot is

not busy at 2:00 and Rural on Top is just opening at that time and has very few customers until later. He does not see a problem with overlap parking if the Applicant is allowed the extra half-hour closing time.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Lydia's of Rockford, LLC d/b/a Lydia's Café in a C-2, Limited Office Zoning District at 1710 Rural Street, Suite 3 with amendments to Conditions 3, 4, 5. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The hours of operation will be limited to 7:00 AM to 2:00 PM Tuesday through Friday.
4. The hours of operation will be limited to 7:00 AM to 2:00 PM Saturday.
5. The hours of operation will be limited to 8:00 AM to 2:00 PM on Sunday.
6. That the restaurant shall not have any outdoor sales area or outdoor seating area permitted on the subject property.
7. That the restaurant shall not have any outdoor smoking area permitted on the east and north side of the building.
8. The hours of operation for Tenant Space #3 (Lydia's Café) and Tenant Space #4 (Rural on Tap) shall not conflict and must be in accordance with previous business schedule for businesses within Rural Oaks Plaza submitted to and approved by Staff.
9. The restaurant use shall not have a cover charge.
10. The restaurant use shall not have a dance floor.
11. The restaurant use shall not have any DJs.
12. The restaurant use shall not operate as a nightclub.
13. As presented within the Applicant's proposal, the restaurant use and facility is prohibited from having any video gaming machines.
14. That the windows shall not be covered with bars or other devices that block the windows.
15. Window display signage is limited to 20% of window area.

014-LTAB-053

Applicant
Ward 01

2013 McFarland Road

Meijer Great Lakes Limited Partnership d/b/a Meijer's Store #192
Sale of packaged liquor in conjunction with a grocery store in a C-3, General Commercial Zoning District

The subject property is located on the east side of McFarland Road and north of Rote Road and is the Meijer Supercenter currently under construction. Kristina Dickens, Attorney for the Applicant was present. Attorney Dickens is representing this application as well as for sale of packaged liquor for the gas station, Item 014-LTAB-054 and will present these requests together. They are anticipating opening in April or May of this year. Attorney Hammer reviewed Staff Conditions of Approval for both items and Attorney Dickens stated her clients were agreeable.

There was discussion that although Attorney Dickens mentioned tobacco sales during her presentation, the sale of tobacco at either location could not take place until they come before the Board again for tobacco sales. The Board questioned why tobacco sales was not requested at the same time the liquor sale application was made. She responded that tobacco sales was a different area and she was not involved with that request. Mr. Cagnoni asked if the applicant would prefer to lay this item over and come back next month for both tobacco and alcohol. Attorney Dickens stated they would prefer to go forward with their liquor application at this time.

Alicia Neubauer stated she was not comfortable with the same Applicant requesting liquor sales at the same two locations.

Staff Recommendation is for Approval subject to (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of packaged liquor in conjunction with a grocery store in the name of Meijer Great Lakes Limited Partnership d/b/a Meijer's Store #192 in a C-3, General Commercial Zoning District at 2013 McFarland Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. Hours of operation must be in accordance to the liquor code.
3. Inside signage cannot exceed more than 20% of the window surface.
4. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. That the windows shall not be covered with bars or other devices that block the windows.

014-LTAB-054

Applicant
Ward 01

2011 North Perryville Road

Meijer Great Lakes Limited Partnership d/b/a Meijer Gas Station #192
Sale of packaged liquor in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

The subject property is located on the southeast corner of Anjali and North Perryville Road and is the Meijer's Gas Station currently under construction.

Staff Recommendation is for Approval with 6 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store in the name of Meijer Great Lakes Limited Partnership d/b/a Meijer Gas Station #192 in a C-3, General Commercial District at 2011 North Perryville Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. Hours of operation must be in accordance to the liquor code.
3. Inside signage cannot exceed more than 20% of the window surface.
4. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. That the windows shall not be covered with bars or other devices that block the windows.

014-LTAB-055

Applicant
Ward 07

2627 Auburn Street

Tanvir Singh Virk d/b/a On The Way / A-33 Milestone
Modification of an existing tobacco license with extended business hours in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

The subject property is located on the northeast corner of Evergreen and Auburn Streets and is currently a gas station and convenience store. Tanvir Anthony Virk a/k/a Tanvir Singh Virk was present and

reviewed his request. Mr. Virk was granted a license to sell tobacco in May, 2013, with conditions of approval that hours of operation would be:

- Monday-Wednesday 7:00 AM to 11 PM
- Thursday-Saturday 7:00 AM to Midnight
- Sunday 8:00 AM to 10:00 PM

The Rockford Police Department reported that Mr. Virk had been staying open 24 hours a day, 7 days a week without obtaining a modification to the existing tobacco license. Mr. Virk stated he has been monitoring traffic on his lot. He stated the police reports indicate 91 calls came from their property but not from their business. The shots fired report was a result of Mr. Virk firing a “warning shot” when people were trying to break into his shed.

Mr. Virk indicated he also owns the Clark Station at 3215 Auburn Street. This property has had 4 break ins resulting in a loss of over \$30,000. He stated he has not turned all of these into his insurance due to the increase in cost. He has since hooked up security cameras at that location; however he stated the security company he hired never hooked up the motion sensors. He has since switched security companies at the Auburn Street location. Mr. Virk stated he is willing to close business at 2:00 AM and open at 3:00 or 3:30 or 4:00 AM, whatever time frame the Board will allow. He feels by closing his business at 2:00 AM for an hour or longer would avoid the problems from people leaving bars at 2:00 in the morning and congregating in his area.

Attorney Hammer asked how the police department learned they have been operating beyond their approved hours. She asked if it was a result of the police responding to calls in the area. Mr. Virk stated he was not made aware of how. She asked how long he was operating 24 hours a day. Mr. Virk stated he could not pinpoint it but felt it was 3-4 months. Mr. Virk did agree that his original business plan stated he would be open until midnight at the latest. He admitted by staying open 24 hours a day he was going further than his business plan. Mr. Virk apologized and further stated he was not aware he could not operate beyond those hours.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **DENY** the Modification of an existing tobacco license with extended business hours in conjunction with a gas station and convenience store in the name of Tanvir Singh Virk d/b/a On The Way / A-33 Milestone in a C-3, General Commercial Zoning District at 2627 Auburn Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

014-LTAB-056

Applicant
Ward 03

1630 Rural Street

Sunny Simon / 1630 Rural Inc. d/b/a Rural 66
Sale of packaged liquor in conjunction with a gas station, car wash and convenience store in a C-3, General Commercial Zoning District

The Applicant requested this item be Laid Over to the February 18th meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the sale of packaged liquor in conjunction with a gas station, car wash and convenience store in the name of Sunny Simon d/b/a 1630 Rural Inc. d/b/a Rural 66 in a C-3, General Commercial Zoning District at 1630 Rural Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

014-LTAB-057

Applicant
Ward 03

1428 North Main Street

Arturo P. Romero / North Main Bar, Inc. d/b/a North Main Bar
Sale of liquor by the drink with a tavern/bar in a C-2, Limited Commercial
Zoning District

The subject property is located on the west side of North Main Street and approximately 150 feet south of Auburn Street. Attorney Roger Kellerman and Arturo P. Romero were present. Attorney Kellerman, representing the Applicant, reviewed his client's request for liquor sales. He stated there is an adjacent parking lot with 82 stall so parking is not a problem. There was a tavern across the street from this location and until the changes to North Main from the roundabout construction. Attorney Kellerman stated Mr. Romero is aware of the problems that occurred at this previous bar – which was not under his ownership - and wishes to change the type of crowd coming to this area by attracting an older crowd and having more of a sport's bar theme. They will also be adding security cameras and increasing security. Attorney Hammer asked Mr. Romero if he was agreeable to Staff conditions of Approval and Mr. Romero stated he was.

Staff Recommendation is for Approval subject to (11) conditions. Objectors or Interested Parties were present.

Tom McNamara, Alderman of the Ward stated he was in favor of this application. He stated the previous establishment had the highest call volume than any other business in his Ward. As a result, clients of Altamore's will not go there because of their concern for safety. The neighborhood is thrilled that that establishment will closed. Alderman McNamara has had several discussions with Mr. Romero and he is confident that he will operate a much better establishment than the previous bar. Mr. Romero has other businesses and have had no issues or problems with any of his other establishments. Alderman McNamara expressed that he is very hopeful of this application and of Mr. Ramiro's ability to clean up this area.

Julie Tilbury, 1426 North Main, was present in support. Her business is in the building just to the south of the Applicant's. She greatly appreciates the opportunity to have a neighborhood bar where the businesses and neighborhood could gather. She knows the applicant will work with the City and hopes he will be the first of many businesses to come to this area now that the roundabout is completed.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of liquor by the drink with a tavern/bar in the name of Arturo P. Romero / North Main Bar, Inc. d/b/a North Main Bar in a C-2, Limited Commercial Zoning District at 1428 North Main Street to add 12, to include interior and exterior security cameras. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire codes and Liquor codes.
2. Window display signage is limited to 20% of window area.
3. That the windows shall not be covered with bars or other devices that block the windows.
4. Hours of operation per the submitted business plan Exhibit F, Monday through Saturday 6:00 AM to 2:00 AM and Sunday 9:00 AM to 2:00 AM.
5. The business shall not have a cover charge.
6. The business shall not have a dance floor.
7. The business shall not have any DJs.
8. The business shall not operate as a night club.
9. Removal of the existing roof sign along North Main Street.
10. Removals of the brand identification sign that project above the roof line on the west side of the building.
11. Submittal of a building elevation plan for improvements to the façade along North Main Street for Staff's review and approval.
12. Interior and exterior security cameras to be installed.

014-LTAB-058

Applicant
Ward 05

621 Kishwaukee Street

Jung Song d/b/a Park-It Market

Modification of an existing liquor license to allow the sale of beer and wine by the drink in conjunction with a convenience store in a C-2, Limited Commercial Zoning District

The subject property is located 112 feet south of College Avenue on the northwest corner of Kishwaukee Street and Union Street and is currently a convenience store with the sale of packaged liquor. Jung Song, Applicant and Jennifer Song, interpreting for her father, were present. Ms. Song reviewed the request for the sale of beer and wine by the drink. She stated customers would like to be able to drink inside the convenience store. The Applicant feels this would avoid the problems they now have with people drinking in the parking lot and panhandling customers. They have been in business for approximately 14 years. Ms. Song feels there are residents in the area who would benefit by being able to drink in the store and also feel this would give them a little more financial security to increase customer sales.

Attorney Hammer asked them to explain how their selling liquor inside would prevent the problems occurring outside. Ms. Song stated they would have more control of people drinking on premises. They have trouble with some of their customers causing problems in and outside of the store. They feel by having them drinking inside it would give them better control over their amount of drinking.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Roszkowski expressed he did not like the idea of people buying alcohol, drinking it out in the parking lot and then coming in to buy more. Ms. Johnsen asked if there were other convenience stores that serve alcohol by the drink and the Board felt this is not something they have supported. It was felt if this application were approved there would be other convenience stores and even gas stations asking for the same.

A **MOTION** was made by Scott Sanders to **DENY** the Modification of an existing liquor license to allow the sale of beer and wine by the drink in conjunction with a convenience store in the name of Jung Song d/b/a Park-It Market at 621 Kishwaukee Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 7:50 PM

Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board